

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	CASE NO. DNCW3:17CR134-062
)	(Financial Litigation Unit)
)	
AUSTIN DEMONTRY POTTS,)	
Defendant,)	
and)	
)	
US FOODS INC.,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of US Foods Inc. as Garnishee. An Amended Judgment in the criminal case was filed on April 25, 2019 (Doc. No. 2549). As part of that Judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution in the amount of \$43,847.87 to the victims of the crime. *Id.*

On February 17, 2022, the Court entered a Writ of Continuing Garnishment (Doc. No. 3295) to Garnishee US Foods Inc. The Garnishee was served with the Writ on February 25, 2022. Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on April 6, 2022. The Garnishee filed an Answer on April 4, 2022 (Doc. No. 3331) stating that at the time of the service of the Writ, it had in its custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings. Defendant filed a *pro se* request for hearing on April 8, 2022 (Doc. No. 3334). The United States filed a Response to Defendant's request for hearing on April 25, 2022 (Doc. No. 3343). The Court denied Defendant's request for hearing on May 4, 2022 (Doc. No. 3348).

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$35,648.38 computed through February 17, 2022. The Garnishee shall pay the United States up to the lesser of (1) twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld or (2) the amount by which Defendant's disposable earnings for each week exceed thirty times the federal minimum wage. *See* 15 U.S.C. § 1673(a). The Garnishee shall continue said payments until the debt to Plaintiff is paid in full, or until the Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

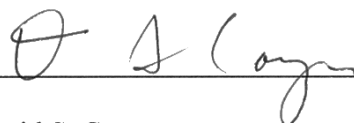
In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:17CR134-062.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if Defendant's employment is terminated at any time by the Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: June 10, 2022



David S. Cayer
United States Magistrate Judge

